

SENATE BILL 2799
By Burchett

AN ACT to amend Tennessee Code Annotated, Title 44, Chapter 20, relative to equine activities.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 44-20-102, is amended by deleting the entire section and by substituting instead the following:

44-20-102. As used in this chapter, unless the context otherwise requires:

(1) "Engages in an equine activity" means a person who engages in any of the following activities, regardless of whether the person is an amateur or a professional or whether a fee is paid to participate in the particular activity:

(A) Riding, training, or controlling in any manner an equine, whether the equine is mounted or unmounted;

(B) Driving an equine whether upon the ground or in a conveyance being pulled by the equine;

(C) Being a passenger upon an equine;

(D) Being a passenger in a conveyance being pulled by an equine, including, but not limited to, a wagon, a surrey, a cart, or a carriage;

(E) Providing medical treatment to an equine;

(F) Assisting a person who is engaged in an activity described in subdivision (1)(A), (B), (C), (D), or (E);

(G) Sponsoring an equine activity;

(H) "Engaging in an equine activity" does not include being a spectator at an equine activity, except in cases where the spectator places such spectator's person in an unauthorized area and in immediate proximity to the equine activity;

(2) "Equine" means a horse, pony, mule, donkey, or hinny;

(3) "Equine activity" means:

(A) Equine shows, fairs, competitions, performances, recreational riding, or parades that involve any or all breeds of equines and any of the equine disciplines, including, but not limited to, dressage, hunter and jumper horse shows, grand prix jumping, three-day events, combined training, rodeos, driving, pulling, cutting, polo, steeplechasing, English and western performance riding, endurance trail riding and western games, and hunting;

(B) Equine training or teaching activities, or both;

(C) Boarding equines;

(D) Riding, inspecting, or evaluating an equine belonging to another, whether or not the owner has received some monetary consideration or other thing of value for the use of the equine or is permitting a prospective purchaser of the equine to ride, inspect, or evaluate the equine;

(E) Rides, trips, hunts, or other equine activities of any type, however informal or impromptu, that are sponsored by an equine activity sponsor;

(F) Placing or replacing horseshoes on an equine;

(G) Recreational riding when riding in or upon facilities provided for that purpose by an equine sponsor, whether the recreational riding is formal or informal, a group activity or an individual activity, including, but not limited to, arenas, barns, trails, and roads; and

(H) Recreational riding when riding in wagons, carts, or other conveyances being pulled by an equine.

(4) "Equine activity sponsor" means an individual, group, club, partnership, or corporation, whether or not the sponsor is operating for profit or nonprofit, which sponsors, organizes, or provides the facilities for an equine activity, including, but not limited to, pony clubs, 4-H clubs, hunt clubs, riding clubs, school and college-sponsored classes, programs and activities, therapeutic riding programs, and operators, instructors, and promoters of equine facilities, including, but not limited to, stables, clubhouses, ponyride strings, fairs, and arenas at which the activity is held;

(5) "Equine professional" means a person engaged for compensation:

(A) In instructing a participant or renting to a participant an equine for the purpose of riding, driving, or being a passenger upon the equine; or

(B) In renting equipment or tack to a participant;

(6) "Inherent risks of equine activities" means those dangers or conditions which are an integral part of equine activities, including, but not limited to:

(A) The propensity of an equine to behave in ways that may result in injury, harm, or death to persons on or around them;

(B) The unpredictability of an equine's reaction to such things as sounds, sudden movements, and unfamiliar objects, persons, or other animals;

(C) Certain hazards such as surface and subsurface conditions;

(D) Collisions with other equines or objects; and

(E) The potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, such as failing to maintain control over the animal or not acting within the participant's ability; and

(7) "Participant" means any person, whether amateur or professional, who engages in an equine activity, whether or not a fee is paid to participate in the equine activity.

SECTION 2. Tennessee Code Annotated, Section 44-20-104, is amended by deleting subsection (d) and by substituting instead the following:

(d) Title 70, chapter 7, does not apply to an equine activity sponsor, unless the sponsor is a landowner who allows recreational riding as defined in § 44-20-102(3)(G) or to an equine professional. It is the legislative intent that equine activity sponsors and equine professionals be held to a higher standard of care.

SECTION 3. Tennessee Code Annotated, Section 44-20-105, is amended by adding such section in its entirety and substituting instead the following:

44-20-105.

(a) Every equine professional and equine activity sponsor shall post and maintain signs which contain the warning notice specified in subsection (b).

Such signs shall be placed in clearly visible locations on or near stables, corrals, or arenas where the equine professional conducts equine activities if such stables, corrals, or arenas are owned, managed, or controlled by the equine professional or equine activity sponsor. The warning notice specified in subsection (b) shall appear on the sign in black letters, with each letter to be a minimum of one inch (1") in height. Every written contract entered into by an equine professional or equine activity sponsor for the providing of professional services, instruction, or the rental of equipment or tack or an equine to a participant, whether or not the contract involves equine activities on or off the location or site of the equine professional's business or equine activity sponsor's business, shall contain in clearly readable print the warning notice specified in subsection (b).

(b) The signs and contracts described in subsection (a) shall contain the following warning notice:

WARNING

Under Tennessee Law, an equine professional or equine activity sponsor is not liable for an injury to or the death of a participant in equine activities resulting from the inherent risks of equine activities, pursuant to Tennessee Code Annotated, Title 44, Chapter 20.

SECTION 4. This act shall take effect July 1, 2004, the public welfare requiring it.